

NOT DESIGNATED FOR PUBLICATION

No. 120,196

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

STATE OF KANSAS,  
*Appellee,*

v.

ROBERT T. LOLAR,  
*Appellant.*

MEMORANDUM OPINION

Appeal from Sedgwick District Court; CHRISTOPHER M. MAGANA, judge. Opinion filed November 1, 2019. Affirmed.

*Heather Cessna*, of Kansas Appellate Defender Office, for appellant.

*Lance J. Gillett*, assistant district attorney, *Marc Bennett*, district attorney, and *Derek Schmidt*, attorney general, for appellee.

Before POWELL, P.J., PIERRON and ATCHESON, JJ.

PER CURIAM: Robert Lolar pled guilty to one count of theft. The district court sentenced him to 13 months' incarceration with 12 months' postrelease supervision. The court granted Lolar a downward dispositional departure to 12 months' probation. Later, Lolar stipulated to violating his probation. The court revoked his probation and imposed his underlying prison sentence. On appeal, Lolar argues the court abused its discretion by not reinstating his probation.

The district court did not abuse its discretion. K.S.A. 2018 Supp. 22-3716(c)(9)(B) grants district courts the authority to revoke probation when a defendant violates probation conditions after receiving a dispositional departure. Lolar received a dispositional departure after being convicted for theft. He stipulated to violating his probation by failing a drug test, failing to report to his probation officer, and failing to attend drug and alcohol treatment. A reasonable person could have revoked Lolar's probation based on those violations.

Affirmed.